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THE ROLE OF YOUTH IN THE PROMOTION AND PROTECTION OF HUMAN RIGHTS, INCLUDING THE QUESTION OF CONSCIENTIOUS OBJECTION TO MILITARY SERVICE

Report of the Secretary-General prepared pursuant to Commission resolution 1991/65

Addendum

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Introduction

This addendum contains comments and other information received by the Secretary-General from the Governments of Austria, Cameroon and Egypt to his request, in accordance with Commission on Human Rights resolution 1991/65 of 6 March 1991, on the question of conscientious objection to military service.

COMMENTS PROVIDED BY GOVERNMENTS

Austria

[1 December 1992]
[Original: English]

1. The right to exemption from military service for the purpose of performing alternative service is provided for in paragraph 9a, subparagraph 3, of the Austrian Federal Constitution as well as in article 2 of the Law on the Service Performed by Conscientious Objectors in Lieu of Military Service. Thus, anybody who alleges to have been violated in this right may file an application with the Austrian Constitutional Court. This right to non-military service performed by conscientious objectors outside the Austrian Federal Army in lieu of military service was included in the Austrian legal code in 1975. Anybody who claimed to invoke this right under the relevant laws in force up to 1991 had to explain his reasons for conscientious objection to an independent commission. Under the 1992 Amendment to the Law on the Service Performed by Conscientious Objectors in Lieu of Military Service, which entered into force at the beginning of this year, an obligation to perform alternative service arises with the - legally binding - finding of validity of the declaration made by an applicant for such a service, in which he sets out his inability to fulfil his military duty on grounds of conscientious objection to using the force of a weapon against fellow human beings, and that, consequently, performing a military service would cause him conscientious distress.

2. The easier access to alternative service provided for in the new Amendment has led to a considerable increase in applicants for such a service, from 4,573 in 1991 to no less than 9,390 by mid-October of this year. Before the said Amendment entered into force in 1992, alternative and military services were each of a duration of eight months. To compensate for the easier access to alternative service performed by conscientious objectors, the duration of non-military service was slightly extended, by two months, except in cases of alternative services which put special strain on the performer in terms of physical exigence, mental stress or working hours.

Cameroon

[26 November 1992]
[Original: French]

The concept of conscientious objection to military service does not exist in Cameroon because:

(a) Military service is optional;

(b) Enlistment in the army is not compulsory.

Egypt

[4 December 1992]
[Original: Arabic]

1. The Egyptian Constitution contains a provision under which defence of the homeland and its territory is regarded as a sacred duty and conscription is recognized as being compulsory. (Article 58 of the Egyptian Constitution: "Defence of the homeland and its territory is a sacred duty and conscription is compulsory, in accordance with the law".)

2. The Military and National Service Act No. 127 of 1980 regulates the performance of military service, as well as its duration and the conditions of exemption or postponement of its performance. In this connection the following should be noted:

Egyptian legislation applies the system of military and national service within a framework of abstract and systematic legal rules and regulations.

The legislative principles governing the performance of military and national service pay due regard to humanitarian consideration, including the health and social and economic circumstances of the persons subject to their provisions, without prejudice to any public or personal rights or freedoms.